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No. 4676

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 86 LGN 75

Bangalore, dated 20th December 1975.

Ordered that the Bangalore Development Authority Ordinance, 1975 promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India, be published as Karnataka Ordinance No. 29 of 1975 in the Karnataka Gazette for general information.

KARNATAKA ORDINANCE No. 29 of 1975

THE BANGALORE DEVELOPMENT AUTHORITY ORDINANCE, 1975.

(Promulgated by the Governor of Karnataka in the Twenty-sixth year of the Republic of India and first published in the *Karnataka Gazette*, Extraordinary, on the Twentieth day of December, 1975.)

An Ordinance to provide for the establishment of a Development Authority for the development of the City of Bangalore and areas adjacent thereto and for matters connected therewith.

WHEREAS neither House of the State Legislature is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the establishment of a Development Authority for the development of the City of Bangalore and areas adjacent thereto and for matters connected therewith ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Ordinance may be called the Bangalore Development Authority Ordinance, 1975.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(*a*) 'Authority' means the Bangalore Development Authority constituted under section 3;

(*b*) 'amenity' includes road, street, lighting, drainage, public works and such other conveniences as the Government may, by notification, specify to be an amenity for the purposes of this Ordinance ;

(*c*) 'Bangalore Metropolitan Area' means the area comprising the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949), the areas where the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945) was immediately before the commencement of this Ordinance in force and such other areas adjacent to the aforesaid as the Government may from time to time by notification specify ;

(*d*) 'betterment tax' means the tax payable under section 20 in respect of an increase in the value of land resulting from the execution of a development scheme ;

(*e*) 'building' includes any structure or erection or part of a structure or erection or part of which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not ;

(*f*) 'building operations' includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings ;

(*g*) 'bye-laws' means bye-laws made by the Authority under this Ordinance ;

(*h*) 'Chairman' means the Chairman of the Authority ;

(*i*) 'Corporation' means the City of Bangalore Municipal Corporation ;

(*j*) 'development' with its grammatical variations means the carrying out of building, engineering, or other operations in, or over or under land or the making of any material change in any building or land and includes redevelopment ;

(*k*) 'engineering operations' means formation or laying out of means of access to road ;

(*l*) 'Government' means the State Government ;

(*m*) 'land' includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

(*n*) 'local authority' means the City of Bangalore Municipal Corporation, a Taluk Development Board, a Municipal Council, a Town Panchayat or a Village Panchayat constituted or continued under any law for the time being in force ;

(*o*) 'means of access' includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road ;

(*p*) 'regulation' means regulations made by the Authority under this Ordinance ;

(*q*) 'street' includes any highway and any causeway, bridge, aqueduct arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not ;

(*r*) 'to erect' in relation to any building includes,—

(i) any material alteration or enlargement of any building ;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation ;

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place ;

(iv) the conversion of two or more places of human habitation into a greater number of such places ;

(v) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security ;

(vi) the addition of any rooms, buildings, houses or other structures to any building ; and

(vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, or a door opening on to such street or land ;

(*s*) all other words and expressions used herein but not defined shall have the meaning respectively assigned to them in the City of Bangalore Municipal Corporation Act, 1949.

CHAPTER II

The Bangalore Development Authority

3. Constitution and incorporation of the Authority.— (1) As soon as may be after the date of commencement of this Ordinance, the Government shall, by notification, constitute for the Bangalore Metropolitan Area an Authority to be called the Bangalore Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpectual succession and a common seal, with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both moveable and immovable, and to contract and shall by the said name sue or be sued.

(3) The Authority shall consist of the following members, namely :—

(*a*) the chairman ;

(*b*) one person to be called the Finance Member possessing qualifications in accounts and audit ;

(*c*) an engineer who shall be an officer of the Karnataka Engineering Service not below the rank of a Chief Engineer ;

(*d*) a town planner who shall be a person with experience in town planning ;

(*e*) a person with experience in architecture ;

(*f*) an officer of the Karnataka Health and Family Planning Services not below the rank of a Joint Director ;

(*g*) two persons who are members of the Karnataka State Legislature ;

(*h*) two others ;

(*i*) a representative of the Bangalore Water Supply and Sewerage Board ;

(*j*) a representative of the Karnataka Electricity Board ;

(*k*) a representative of the Karnataka Road Transport Corporation ;

(*l*) two persons elected by the Councillors of the Bangalore City Corporation from among themselves in the prescribed manner :

Provided that during the period of supersession of the Corporation or where any Administrator has been appointed, the two persons shall be nominated by the Administrator from among the officers of the Corporation.

(4) The persons referred to in clauses (*a*) to (*h*) of sub-section (3) (both inclusive) shall be appointed by the Government and the persons referred to in clauses (*i*), (*j*) and (*k*) thereof shall be nominated by the respective bodies :

Provided that all the first members of the Authority shall be appointed by the Government.

(5) The Chairman, the engineer member, the finance member and the town planner member shall be whole-time members and the other members shall be part-time members.

(6) The names of the Chairman and other members (appointed or elected) shall be published by Government by notification.

4. Disqualification for office of member.—(1) No person shall be appointed as or continue to be a member if he—

(*a*) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude ; or

(*b*) is of unsound mind and stands so declared by a competent court ; or

(*c*) is an undischarged insolvent ; or

(*d*) has been removed or dismissed from the service of the Central Government or a State Government or a Corporation owned or controlled by the Central Government or a State Government; or

(*e*) has directly or indirectly by himself or his partner any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority;

(*f*) being an elected member ceases to be a Councillor of the Corporation; or

(*g*) is employed as paid legal practitioner on behalf of the Authority or accepts employment as legal practitioner against the Authority.

(2) A person shall not be disqualified under clause (*e*) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the Authority is inserted.

5. Term of office and conditions of service of members.—(1) Subject to the pleasure of the Government and the provisions of section 6, the Chairman and other members of the Authority shall hold office for a period of three years from the date on which they assume office and shall be eligible for re-appointment under such conditions as may be prescribed :

Provided that the term of office of the representative of the Corporation shall come to an end when he ceases to be a councillor or when the Corporation is superseded.

(2) The other conditions of service of members shall be such as may be prescribed.

(3) Any member other than an *ex-officio* member may resign his office by writing under his hand addressed to the Government but shall continue in office till his resignation is accepted by the Government.

(4) A casual vacancy caused by resignation of a member or otherwise may be filled by fresh appointment or election and the person so appointed or elected shall hold office for the remaining period for which the member in whose place he was appointed or elected would have held office.

(5) No act or proceeding of the Authority shall be invalid merely by reason of any vacancy in, or defect in the constitution or reconstitution of the Authority.

6. **Removal of member.**—The Government shall remove a member if—

(*a*) he becomes subject to any of the disqualifications mentioned in section 4 :

Provided that no member shall be removed on the ground that he has become subject to the disqualication mentioned in clause (*e*) of that section, unless he has been given an opportunity of submitting his representation ; or

(*b*) he refuses to act or becomes incapable of acting or ;

(*c*) he, without obtaining leave of absence from the Authority, absents from three consecutive meetings of the Authority ;

(*d*) in the opinion of the Government he has so abused his position as to render his continuance in office detrimental to the public interest :

Provided that no member shall be removed under this clause unless he has been given an opportunity of submitting his representation.

7. **Eligibility for reappointment.**—Any person ceasing to be a member shall, unless disqualified under section 4, be eligible for re-appointment as a member.

8. **Meetings of the Authority.**—(1) The meetings of the Authority shall be convened by the Chairman and shall be held at any place within the jurisdiction of the Authority.

(2) The Authority shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at meetings) as may be provided by the regulations.

(3) The Chairman or if, for any reason he is unable to attend any meeting, any other member chosen by the members present at the meeting shall preside at the meeting.

(4) All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes, the Chairman or in his obsence, the person presiding, shall have and exercise a second or casting vote.

(5) A member shall not, at any meeting of the Authority or a committee thereof, take part in the discussion of or vote on any matter in which he has directly or indirectly by himself or his partner, any share or interest.

9. Appointment of committees.—(1) The Authority may from time to time appoint committees consisting of the Chairman and such other members as it thinks fit and may with the approval of the Government associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Ordinance.

(2) Every committee appointed under sub-section (1) shall conform to any instructions that may from time to time be given to it by the Authority and the Authority may at any time alter the constitution of any committee so appointed or rescind any such appointment. The Chairman shall be the President of every such committee.

10. Powers of different authorities.—(1) The Chaiman may, on behalf of the Authority, sanction any estimate, call for tenders or enter into any contract or agreement the value or amount whereof shall not exceed one lakh of rupees, in such manner and form as, according to

the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Authority at its next meeting

(2) The Authority may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds one lakh of rupees but does not exceed five lakhs of rupees; and where the value of any estimate, contract or agreement exceeds five lakhs of rupees the same shall not be entered into except with the previous sanction of the Government.

(3) Every contract or agreement on behalf of the Authority, other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Authority.

(4) The common seal of the Authority shall be in the custody of the Chairman, who shall personally affix the seal to any contract or other instrument.

(5) The acceptance of any tender shall be subject to such rules as may be prescribed.

(6) A contract not made or executed as provided in this section and the rules made thereunder shall be null and void and shall not be binding on the Authority.

11. Authority may compromise claims by or against it.—The Authority may compound or compromise any claim or demand arising out of any contract entered into by it under this Ordinance or any action or suit instituted by or against it for such sum of money or other compensation as it shall deem sufficient:

Provided that no such claim or demand exceeding fifty thousand rupees shall be compounded or compromised except with the previous approval of the Government.

12. Duties of Chairman.- The Chairman shall

(*a*) attend every meeting of the Authority unless prevented by sickness or other reasonable cause;

(*b*) carry into effect the resolutions of the Authority;

(*c*) keep and conduct the Authority's correspondence;

(*d*) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor ;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the Authority in matters of executive administration, and in matters concerning the accounts and records of the Authority ; and to the extent specified in sub-section (1) of section 50 dispose of all questions relating to the service of such officers and servants, and their pay, privileges and allowances; and

(*f*) furnish to the Government a copy of the minutes of the Authority's proceeding and any return or other information which the Government may from time to time call for.

13. Appointment of acting Chairman.—During the absence of the Chairman, the Government may appoint a person to act as Chairman, and the person so appointed shall exercise the powers and perform the duties of the Chairman and be subject to the same liabilities, restrictions and conditions as are conferred or imposed on the Chairman by this Ordinance.

14. Objects of the Authority.—The objects of the Authority shall be to promote and secure the development of the Bangalore Metropolitan area and for that purpose the Authority shall have the power to acquire, hold, manage, and dispose of movable and immovable property, whether within or outside the area under its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary or expedient for the purpose of such development and for purposes incidental thereto.

CHAPTER III

Development Schemes

15 Power of Authority to undertake works and incur expenditure for development, etc.—(1) The Authority may,-

(*a*) draw up detailed schemes (hereinafter referred to as "development scheme") for the development of the Bangalore Metropolitan area; and

(*b*) with the previous approval of the Government, undertake from time to time any works for the development of the Bangalore Metropolitan area and incur expenditure therefor and also for the framing and execution of development schemes.

(2) The Authority may also from time to time make and take up any new or additional development schemes—

(i) on its own initiative, if satisfied of the sufficiency of its resources or

(ii) on the recommendation of the local authority if the local authority places at the disposal of the Authority the necessary funds for framing and carrying out any scheme, or

(iii) otherwise.

(3) Notwithstanding anything in this Ordinance, or in any other law for the time being in force, the Government may, whenever it deems it necessary require the Authority to take up any development scheme or work and execute it subject to such terms and conditions as may be specified by the Government.

16. Particulars to be provided for in a development scheme.— Every development scheme under section 15 -

(1) shall, within the limits of the area comprised in the scheme provide for,—

(*a*) the acquisition of any land which, in the opinion of the Authority, will be necessary for or affected by the execution of the scheme;

(*b*) laying and re-laying out all or any land including the construction and reconstruction of buildings and formation and alteration of streets;

(*c*) drainage, water supply and electricity;

(2) may, within the limits aforesaid, provide for -

(a) raising any land which the Authority may consider expedient to raise to facilitate better drainage;

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(*c*) the sanitary arrangements required;

(*d*) establishment or construction of markets and other public requirements or conveniences; and

(3) may, within and without the limits aforesaid provide for the construction of houses.

17. Procedure on completion of scheme. —(1) When a development scheme has been prepared, the Authority shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying the land which is proposed to be acquired and of the land in regard to which a betterment tax may be levied and may be seen at all reasonable hours.

(2) A copy of the said notification shall be sent to the Corporation which shall, within thirty days from the date of receipt thereof, forward to the Authority for transmission to the Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme.

(3) The Authority shall also cause a copy of the said notification to be published in three consecutive issues of the official Gazette and affixed in some conspicuous part of its own office, the Deputy Commissioner's office, the office of the Corporation and in such other places as the Authority may consider necessary.

(4) If no representation is received from the Corporation within the time specified in sub-section (2), the concurrence of the Corporation to the scheme shall be deemed to have been given.

(5) During the thirty days next following the day on which such notification is published in the official Gazette the Authority shall serve a notice on every person whose name appears in the assessment list of the local authority or in the land revenue register as being primarily

liable to pay the property tax or land revenue assessment on any building or land which is proposed to be acquired in executing the scheme or in regard to which the Authority proposes to recover betterment tax requiring such person to show cause within thirty days from the date of the receipt of the notice why such acquisition of the building or land and the recovery of betterment tax should not be made.

(6) The notice shall be signed by or by the order of the Chairman, and shall be served-

(*a*) by personal delivery or if such person is absent or cannot be found, on his agent, or if no agent can be found, then by leaving the same on the land or the building ; or

(*b*) by leaving the same at the usual or last known place of abode or business of such person ; or

(*c*) by registered post addressed to the usual or last known place of abode or business of such person.

18. Sanction of Scheme :—(1) After publication of the scheme and service of notices as provided in section 17 and after consideration of representations if any received in respect thereof, the Authority shall submit the scheme making such modifications therein as it may think fit to the Government for sanction, furnishing,-

(*a*) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(*b*) complete plans and estimates of the cost of executing the scheme ;

(*c*) a statement specifying the land proposed to be acquired ;

(*d*) any representation received under sub-section (2) of section 17 ;

(*e*) a schedule showing the rateable value, as entered in the municipal assessment book at the date of the publication of a notification relating to the land under section 17

of the land assessment, of all land specified in the statement under clause (*c*) ; and

(*f*) such other particulars, if any, as may be prescribed.

(2) Where any development scheme provides for the construction of houses, the Authority also submit to the Government plans and estimates for the construction of the houses.

(3) After considering the proposal submitted to it the Government may, by order, give sanction to the scheme.

19. Upon sanction, declaration to be published giving particulars of land to be acquired.—(1) Upon sanction of the scheme, the Government shall publish in the official Gazette declaration stating the fact of such sanction and that the land proposed to be acquired by the Authority for the purposes of the scheme is required for a public purpose.

(2) The declaration shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area and the place where a plan of the land may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Authority shall, upon the publication of the said declaration proceed to execute the scheme.

(4) If at any time it appears to the Authority that an improvement can be made in any part of the scheme, the Authority may alter the scheme for the said purpose and shall subject to the provisions of sub-sections (5) and (6), forthwith proceed to execute the scheme as altered.

(5) If the estimated cost of executing the scheme as altered exceeds, by a greater sum than five per cent the estimated cost of executing the scheme as sanctioned, the Authority shall not, without the previous sanction of the Government, proceed to execute the scheme as altered.

(6) If the scheme as altered involves the acquisition otherwise than by agreement, of any land other than that specified in the statement referred to in clause (*c*) of sub-

section (1) of section 18, the provisions of sections 17 and 18 and of sub-section (1) of this section shall apply to the part of the scheme so altered in the same manner as if such altered part were the scheme.

20. Levy of betterment tax.- (1) Where as a consequence of execution of any development scheme, the market value of any land in the area comprised in the scheme which is not required for the execution thereof has in the opinion of the Authority, increased or will increase the authority shall be entitled to levy on the owner of the land or any person having an interest therein a betterment tax in respect of the increase in value of the land resulting from the execution of such scheme.

(2) Such betterment tax shall be an amount equal to one-third of the amount by which the market value of the property on the completion of execution of the development scheme estimated as if the property were clear of the buildings exceeds the market value of the property prior to such execution estimated in the like manner.

(3) Such increase in value shall be the amount by which the value of the Land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings, exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment tax shall be one-third of such increase in value.

21. Assessment of betterment tax by the Authority.- (1) When it appears to the Authority that a development scheme is sufficiently advanced to enable the amount of the betterment tax to be determined, the Authority shall, by a resolution passed in this behalf declare that for the purpose of determining such tax, the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed had been served under sub-sectione (5) of section 17 or to the successor in interest of such person, as the case may be that the Authority proposes to assess the amount of the betterment tax payable in respect of such land under section 20.

(2) The Authority shall then assess the amount of betterment tax payable by each person concerned after giving such person an opportunity of being heard and such person shall, within three months from the date of receipt of notice in writing of such assessment inform the Authority in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Authority or fails to give the Authority the information required under sub-section (2) within the period specified therein the Authority shall make a reference to the District Court for determining the betterment tax payable by such person.

22. Manner of payment of betterment tax.—The betterment tax determined under section 21 shall be paid within such time and in such numbers of instalments not exceeding ten as may be specified by the Authority together with interest at such rates as may be prescribed.

23. Recovery of betterment tax.—Where any person liable to pay betterment tax fails to pay the same within the time specified by the Authority or makes default in payment of two consecutive instalments or any three instalments, the Authority shall be entitled to recover the whole of the amount due together with interest from the said person or his successor-in-interest in such land in the manner provided by the City of Bangalore Municipal Corporation Act, 1949, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the land or the interest of the said person or his successor-in-interest in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

24. **Payment, etc., no bar to future acquisition.**—Acceptance of liability to betterment tax under sub-section (3) of section 21, or payment of the said tax after determination under section 22 shall not debar subsequent acquisition of the land concerned, if such acquisition is necessary for purposes of this Ordinance.

25. **Power of Authority to take up works for further development** – (1) Notwithstanding anything contained in any other provision of this Ordinance, the Authority may, with the previous sanction of the Government, take up such works as the Authority considers necessary or desirable for the further development of any area within the Bangalore Metropolitan area :

Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore.

(2) The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Authority and approved by the Government in carrying out such works may be recovered by a *pro-rata* levy on the owners of properties benefited by such works as may be determined by the Authority. The said sum may be recovered as any other sum due to the Authority under the provisions of this Ordinance.

26. **Crediting betterment tax collected to the funds of the Corporation in certain cases.**—Where the increase in value of any land is due to the execution of a development scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Authority the necessary funds for framing and carrying out such schemes, the bettement tax collected by the Authority from the owners of such land shall be credited by the Authority to the Municipal Fund of the Corporation.

27. **Authority to execute the scheme within seven years.**—Where within a period of seven years from the date of the publication in the official Gazette of the declaration under sub-section (1) of section 19, the Authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of section 41 shall become inoperative.

28. Land vested in Corporation and required by the Authority for formation of street to be vested temporarily in the Authority.—Whenever under any development scheme the whole or any part of an existing public street or other land vested in the Corporation is included in the site of any part of a street to be formed, altered, widened, raised, re-arranged or re-constructed by the Authority, the Authority shall give notice to the Corporation that the whole or a part, as the case may be of such existing street or other land (hereinafter called the "part required") is required by it as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (1) of section 29, be vested in the Authority :

Provided that nothing in this section shall be deemed to affect the rights or powers of the Corporation under the City of Bangalore Municipal Corporation Act, 1949 in or over any Corporation drain or water work.

29. Authority and Chairman to exercise powers and functions under Mysore Act 69 of 1949.—(1) In any area or part thereof to which this Ordinance applies, the Government may, by notification, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any as may be specified in the notification—

(i) the powers and functions of the Corporation or a standing committee thereof under the City of Bangalore Municipal Corporation Act, 1949, shall be exercised and discharged by the Authority ; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Chairman :

Provided that the Corporation shall be consulted before making such declaration if such area or part thereof lies within the limits of the City of Bangalore.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation, any standing

committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Authority or the Chairman as the case may be, by such declaration.

(3) The Authority or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Authority.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3) shall be subject to such limitations, conditions and control as may be laid down by the Authority or the Chairman, as the case may be.

30. Streets on completion to vest in and be maintained by Corporation.—(1) The Government after consulting the Corporation and on being satisfied that any street formed by the Authority has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by the Government and that such lamps, lamp posts and other apparatus as are in its opinions necessary for the lighting thereof and should be provided by the Authority have been so provided, shall declare such street to be a public street, and such street shall thereupon vest or revest, as the case may be, in the Corporation and the Corporation shall thereafter maintain, keep in repair, light and cleanse such street.

(2) Any open space including such parks and play grounds as may be notified by the Government reserved for ventilation in any part of the area under the jurisdiction of the Authority as part of any development scheme sanctioned by the Government shall be transferred on completion to the Corporation for maintenance at the expense of the Corporation and shall thereupon vest in the Corporation.

(3) Any dispute which arises between the Authority and the Corporation in respect of any of the provisions of this section shall be determined by the Government, whose decision shall be final.

31. Authority not to sell or otherwise dispose of sites in certain cases.—The Authority shall not sell or otherwise

dispose of any sites for the purpose of constructing buildings thereon for the accommodation of persons until all the improvements specified in section 30 have been substantially provided for in the estimates.

32. Forming of new extensions or layouts or making new private streets.– (1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or layout for the purpose of constructing buildings thereon without the express sanction in writing of the Authority and except in accordance with such conditions as the Authority may specify :

Provided that where any such extension or layout lies within the local limits of the Corporation, the Authority shall not sanction the formation of such extension or layout without the concurrence of the Corporation :

Provided further that where the Corporation and the Authority do not agree on the formation of or the conditions relating to the extension or layout, the matter shall be referred to the Government, whose decision thereon shall be final.

(2) Any person intending to form an extension or layout or to make a new private street, shall send to the Chairman a written application with plans and sections showing the following particulars,—

(*a*) the laying out of the sites of the area upon streets, lands or open spaces ;

(*b*) the intended level, direction and width of the street ;

(*c*) the street alignment and the building line and the proposed sites abutting the streets ;

(*d*) the arrangement to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Ordinance and any rules or bye-laws made under it as to the level and width of

applicant no steps shall be taken by him to form the layout or make the street until orders have been passed by the Authority after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Authority has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Authority does not refuse sanction within six months from the date of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or layout or to make the street, but not so as to contravene any of the provisions of this Ordinance and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or layout in contravention of the provisions of sub-section (1), or makes any street without or otherwise than in conformity with the orders of the Authority under this section, shall be liable, on conviction, to a fine which may extend to ten thousand rupees.

33. Alteration or demolition of extension, layout or street.—(1) If any person forms an extension or layout or makes any street referred to in section 32 or put up any building without or otherwise than in conformity with the orders of the Authority under the said sub-section the Chairman may, whether or not the offender be prosecuted under this Ordinance, by notice,—

(*a*) require the offender to show cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, layout or street should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, layout or street should not be demolished ; or

(b) require the offenders to appear before the Chairman either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the Chairman why such extension, layout or street should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, layout or street.

34. Power of authority to order work to be carried out or to carry it out itself in default :—(1) The Authority may,—

(a) if any person who applies for permission under section 32 and is permitted expressly by it to carry out himself the works relating to the forming of the extension or layout or the making of a street, does not so carry it out ; or

(b) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Authority by notice, require the person forming the extension or layout or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work which, in its opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Authority may, if it thinks fit execute itself cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Authority. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue.

CHAPTER IV

Acquisition of Land

35. Authority to have power to acquire land by agreement.—Subject to the provisions of this Ordinance and with the previous approval of the Government, Authority may enter into an agreement with the owner of any land or any interest therein, whether situated within or without the Bangalore Metropolitan area for the purchase of such land or interest therein for the purpose of this Ordinance.

36. Provisions applicable to the acquisition of land otherwise than by agreement.—(1) The acquisition otherwise than by agreement of land within or without the Bangalore Metropolitan area under this Ordinance shall be regulated by the provisions, so far as they are applicable of the Land Acquisition Act, 1894.

(2) For the purpose of sub-section (2) of section 50 of the Land Acquisition Act, 1894, the Authority shall be deemed to be the local authority concerned.

(3) After the land vests in the Government under section 16 of the Land Acquisition Act, 1894 the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Authority agreeing to pay any further costs which may be incurred on account of the acquisition, transfer the land to the Authority, and the land shall thereupon vest in the Authority.

CHAPTER V

Property and Finance

37. Power of Government to transfer to Authority, [illegible] belonging to it or to Corporation, etc.—(1) The Government, by notification, from time to time, for the [illegible] of this Ordinance and subject to such limitations [illegible]ns as it may impose and to the provisions [illegible]ntained, transfer to and vest in the Authority [illegible]ving to the Government or to the Corporation [illegible]ty.

(2) No land belonging to the Corporation or a local authority shall be vested in the Authority under sub-section (1) except after consulting the Corporation or the local authority.

(3) Whenever it appears to the Government that any land vested in the Authority under sub-section (1) is not required by the Authority for the purpose of this Ordinance or any other land vesting in the Authority is required by the Government or Corporation or a local authority, the Government may by notification, direct that the land shall revest in or stand transferred to Government or the Corporation or the local authority concerned, as the case may be.

33. Power of Authority to lease, sell or transfer property. – Subject to such restrictions, conditions and limitations as may be prescribed, the Authority shall have power to lease, sell or otherwise transfer any movable or immovable property which belongs to it, and to appropriate or apply any land vested in or acquired by it for the formation of open spaces or for building purposes or in any other manner for the purpose of any development scheme.

39. Power of Authority to borrow.—(1) The Authority may, from time to time, with the previous sanction of the Government and subject to such conditions as may be prescribed in this behalf, borrow any sum required for the purpose of this Ordinance.

(2) The rules made by the Government for the purpose of this section may empower the Authority to borrow by the issue of debentures and to make arrangement with the bankers.

(3) Debentures issued by the Authority shall b such form as the Authority, with the sanction o Government, may, from time to time, determine.

(4) Every debenture shall be signed by the and one other member of the Authority.

(5) Loans borrowed and debentures this section may be guaranteed by the gov

the repayment of principal and payment of interest at such rate as may be fixed by the Government.

40. Development Fund and the items to be credited to such fund.—(1) The rents, profits, and sale proceeds of all lands, buildings and other property vested or vesting in or acquired by the Authority under this Ordinance shall be credited to a fund to be called " the Bangalore Development Fund "

(2) There shall also be credited to the said Fund—

(*a*) any amount borrowed under section 39 ;

(*b*) such sums as may be placed by the Government at the disposal of the Authority from time to time for the purpose of this Ordinance ; and

(*c*) such contributions as Corporation or a local authority may, from time to time, be called upon by the Government to make after consideration by the Government of the relief or addition to the Municipal resources accruing or likely to accrue as the result of development schemes undertaken by the Authority ; and

(*d*) subject to the provisions of section 30, betterment tax ond other sums due and paid to or recovered by the Authority under the provisions of this Ordinance.

41. Application of the Bangalore Development Fund.—(1) The said fund shall be held by the Authority in trust and shall be applied by it, subject to the general or special orders of the Government, in payment of the charges incidental to the carrying out of the purposes of this Ordinance.

(2) Such charges shall include, among other things—

(*a*) the cost, if any, of maintaining a separate establishment for the collection of the rents and profits and other proceeds of the property vested or vesting in or acquired by the Authority under this Ordinance ;

(*b*) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes ;

(*c*) the cost of management including the salaries and allowances of the scheduled staff and all incidental expenses ; and

(*d*) all payments made by the Authority in respect of rates and taxes levied under the City of Bangalore Municipal Corporation Act, 1949 upon lands and buildings vested in the Authority and not subject to exemption.

(3) The Authority may also, from time to time, and in the prescribed manner, make advances from the said Fund for the purposes of enabling persons not being Government servants to provide themselves with houses or other accommodation.

42. Laying of annual estimate of income and expenditure.—(1) The Chairman shall, at a special meeting to be held not later than the first day of February in each year, lay before the Authority an estimate of the income and of the expenditure of the Authority for the year commencing on the first day of April then next ensuing in such detail and form as the Authority shall, from time to time, direct.

(2) Such estimate shall make provision for the efficient administration of this Ordinance and a copy thereof shall be sent by post or otherwise to each member of the Authority at least ten clear days prior to the date of the meeting before which the estimate is to be laid.

43. Authority to approve or amend such estimate.—The Authority shall consider the estimate so submitted to it, and shall approve the same either unaltered, or subject to such alterations as it thinks fit.

44. Estimates to be submitted to Government for sanction.—The estimate, as approved by the Authority, shall be submitted to the Government which may, either sanction or disallow such estimate, or any portion thereof and return the same for amendment. The Authority shall forthwith amend the estimate so returned and shall re-submit to the amended estimate to the Government.

45. Supplementary estimates may be prepared and submitted when necessary.— The Authority may, at any

time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and approved by the Authority and submitted to the Government.

46. **Provisions regarding expenditure.**— No sum shall be expended by or on behalf of the Authority unless included in the estimate or the supplementary estimate which has been sanctioned by the Government, or in the amount payable by the Authority under a decree or award of a court :

Provided that in any case of unforeseen circumstances a sum not exceeding ten thousand rupees may be expended though not so included and in such a case the Chairman shall forthwith report to the Government the circumstances in which the expenditure was incurred and the source from which it is proposed to be met :

Provided further that any such expenditure shall be included in a supplementary estimate to be approved and sanctioned in the manner laid down in section 45.

47. **Audit of accounts.**— (1) The accounts of the Authority shall be audited annually by an auditor appointed by the Government.

(2) The auditor shall, for the purpose of the audit, have access to all the accounts and other records of the authority.

(3) The Authority shall pay from its Fund such charges for the audit as may be prescribed.

48. **Power of auditor to require production of documents and attendance of persons concerned.**—The Auditor may,—

(*a*) require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit;

(*b*) require in writing any salaried servant of the Authority accountable for, or having the custody or control

50. Appointments, etc., by whom to be made.—(1) Subject to the provisions of the regulations framed under section 70 and of the schedule for the time being in force sanctioned by the Government under section 49 the power of appointing, promoting, suspending dismissing, fining, reducing or granting leave to the officers and servants of the Authority (not being officers in Government service lent to the Authority) shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed one hundred and fifty rupees and in every other case by the Authority :

Provided that in the case of officers in Government service lent to the Authority, the Chairman may exercise the powers of sanctioning of withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officer belongs.

(2) The power of dispensing with the service of any officer or servant of the Authority not being an officer in Government service lent to the Authority otherwise than by reason of such officers or servants own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall subject to the provisions of sub-section (1) be exercised by the Authority only.

CHAPTER VII

Art Commission

51. Constitution of Art Commission.—(1) The Government may, by notification constitute an Art Commission for the Bangalore Metropolitan Area to be called "The Bangalore Urban Art Commission" which shall consist of a Chairman and such other members representing among others, visual arts or architecture, Indian History or Archaeology and the environmental sciences, as they may appoint.

(2) It shall be the duty of the Art Commission to make recommendations to the Government as to—

(i) restoration and conservation of urban design and of the environment in the development areas ;

(ii) the planning and development of future urban design and of the environment ;

(iii) the restoration and conservation of archaeological and historical sites and sites of high scenic beauty ;

(iv) the grants, concessions and other modes of compensation for purchase or acquisition that should be made for the purpose by the Government or any Authority and the conditions subject to which such grants, concessions and compensation should be made ; and

(v) any other matter referred to the Commission by the Government.

(3) The powers to be exercised and the functions to be performed and the procedure to be followed by the Art Commission shall be such as may be prescribed.

(4) The Government may after consideration of the recommendations of the Art Commission and after giving an opportunity to the Authority to make any representation issue such directions to the Authority as it may think fit and the Authority shall comply with every such direction.

CHAPTER VIII

MISCELLANEOUS

52. **Powers of entry.**—The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of—

(*a*) making any enquiry, inspection, measurement or survey of taking levels of such land or building ;

(*b*) examining works under construction and ascertaining the course of sewers and drains ;

(*c*) digging or boring into the sub-soil ;

(*d*) setting out boundaries and intended lines of work;

(*e*) making such levels, boundaries and lines by placing marks and cutting trenches ;

(*f*) ascertaining whether any land is being or has been developed in contravention of any plan or in contravention of any condition subject to which such permission has been granted ; or

(*g*) doing any other thing necessary for the efficient administration of this Ordinance :

Provided that—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building ;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building ;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

53. Directions by the Authority —(1) The Authority in order to carry out the purpose of this Ordinance may issue directions to the Bangalore Water Supply and Sewerage Board, Karnataka Electricity Board and such other bodies as are connected with developmental activities in the City and provide the funds required to comply with the same.

(2) Notwithstanding anything in any other law for the time being in force every such direction shall be complied with by the body to whom they are issued. On failure it shall be competent for the Authority to take necessary action in this behalf and recover expenses if any incurred therefor from the body concerned.

(3) Any dispute which arises between the Authority and the Boards or other bodies referred to in sub-section (1) in respect of the directions issued to them shall be determined by the Government whose decision shall be final.

54. Offences by companies.—If the person committing an offence under this Ordinance is a company every person

who, at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Ordinance if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this ordinance has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of the section,

(*a*) 'company' means a body corporate and includes a firm or other association of individuals; and

(*b*) 'director' in relation to a firm means a partner in the firm.

55. Fines when realised to be credited to the Bangalore Development Fund. -All fines realised in connection with prosecutions under this Ordinance shall be paid to the credit of the Bangalore Development Fund.

56. Composition of offences.—(1) The Authority or any person authorised by the Authority by general or special order, may, either before or after the institution proceedings compound any offence made punishable by or under this Ordinance.

(2) Where an offence has been compounded, the offender if in custody, shall be dischared and no further proceedings shall be taken against him in respect of the offence compounded.

57.—Authentication of orders and documents of the Authority.—All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in this behalf.

58. Members and officers to be public servants.—Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

59. Jurisdiction of courts.—No court inferior to that of a magistrate of the first class shall try any offence punishable under this ordinance.

60. Sanction of prosecution.—No prosecution for any offence punishable under this Ordinance shall be instituted except with the previous sanction of the Authority.

61. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance or any rule or regulation made thereunder.

62. Power to delegate.—The Authority may, by notification direct that any power exercisable by it under this Ordinance except the power to make regulations may also be exercised by the Chairman or such officer of the Authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

63. Revision.—(1) The Government may call for the records of any proceedings of the Authority or any officer subordinate to the Authority for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

(2) The authority may call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceeding and may pass such order with respect thereto as it thinks fit.

(3) No order under sub-section (1) or sub section (2) shall be made to the prejudice of any person unless he had an opportunity of making representations.

64. **Notice of suit against the Authority.**—No suit or other proceedings shall be commenced against the Authority or any member or any officer or servant of the Authority against any person acting under the direction of the Authority, the member or officer of the Authority for anything done, or purporting to have been done, in pursuance of the Ordinance or a rule, regulation or bye-law thereunder without giving to the Authority one month's previous notice in writing of the intended suit or other proceedings, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceedings nor after tender of sufficient amends.

65. **Government's power to give directions to Authority.**—The Government may give such directions to the Authority as in its opinion are necessary or expedient for carrying out the purposes of this Ordinance, and it shall be the duty of the Authority to comply with such directions.

66. **Default in performance of duty.**—(1) If the Government is satisfied that the Authority has made default in performing any duty imposed on it by or under this Ordinance it may fix a period for the performance of that duty.

(2) If in the opinion of the Government the Authority fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the Government, notwithstanding anything contained in section 5 to supersede and reconstitute the Authority in the prescribed manner.

(3) After the supersession of the Authority and until it is reconstituted, the powers duties and functions of the Authority under this Ordinance shall be carried on by the Government or by such officer or officers as the Government may appoint for this purpose.

67. Amendment of the Karnataka Town and Country Planning Act, 1961.—(1) In the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963),—

(*a*) in section 2, for item (i) of sub-clause (a) of clause (7), the following item shall be substituted namely:—

"(i) the local planning area comprising the City of Bangalore, the Bangalore Development Authority, and" shall be substituted ;

(*b*) after section 81-A, the following section shall be inserted, namely :—

"81-B.—Consequences to ensue upon the constitution of the Bangalore Development Authority—Notwithstanding anything contained in this Act, with effect from the date on which the Bangalore Development Authority is constituted under the Bangalore Development Authority Ordinance, 1975 the following consequences shall ensue,-

(i) the Bangalore Development Authority shall be the local Planning Authority for the local planning area comprising the City of Bangalore with jurisdiction over the area which the City Planning Authority for the City of Bangalore had jurisdiction immediately before the date on which the Bangalore Development Authority is constituted ;

(ii) the Bangalore Development Authority shall exercise the powers, perform the functions and discharge the duties under this Act as if it were a Local Planning Authority constituted for the Bangalore City ;

(iii) the City Planning Authority shall stand dissolved and upon such dissolution,—

(*a*) anything done or any action taken (including any appointment notification, order, scheme or bye-law made or issued), any commencement certificate or permission granted, by the Bangalore City Local Planning Authority shall be deemed to have been done, taken, made issued or granted under the provisions of this Act by the Bangalore Development Authority and continue to be in force until it is superseded by anything done or any action

taken, any appointment, notification, order, scheme, or bye-law, made or issued, commencement certificate or permission granted by the Bangalore Development Athority under the provisions of this Act ;

(*b*) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done, by, with or for the Bangalore City Local Planning Authority shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the Bangalore Development Authority.

(*c*) all property movable and immovable and all interests of whatsoever nature and kind therein vested in the Bangalore City Local Planning Authority shall with all rights of whatsoever description used, enjoyed or possessed by the Bangalore City Local Planning Authority, vest in the Bangalore Development Authority ;

(*d*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Bangalore City Local Planning Authority may be continued or be instituted by or against the Bangalore Development Authority."

68. Housing Board not to undertake any Housing Scheme —After the commencement of this Ordinance, the Housing Board established under the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963) shall not undertake any Housing Scheme in any area within the Bangalore Metropolitan area.

69. Power to make rules.—(1) The Government may by notification make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :—

(*a*) *for the guidance* of the Authority and persons connected with the administration of this Ordinance or in cases not expressly provided for herein ;

(*b*) the manner of election of members by the Councillors of the Corporation ;

(*c*) the conditions of service of the Chairman and other members of the Authority ;

(*d*) the manner of appointment of committees and the period of such appointment ;

(*e*) the terms and conditions subject to which the Authority may take up development scheme or work and execute it ;

(*f*) the particulars to be specified in the application of the scheme ;

(*g*) the restrictions, conditions and limitations subject to which the Authority may lease, sell or transfer movable or immovable property ;

(*h*) regulating the allotment or sale by auction of sites by the Authority ;

(*i*) the manner of reconstitution of the Authority ;

(*j*) any other matter which has to be or may be prescribed by rules.

70. Power to make regulations.—(1) The Authority may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance or the rules made thereunder to carryout the purposes of this Ordinance and without prejudice to the generality of this power, such regulations may provide for,-

(*a*) the summoning and holding of meetings of the Authority the time and place where such meetings are to be held, the conduct of business at such meeting and the number of members necessary to form a quorum thereat ;

(*b*) giving instructions to the Committees ;

(*c*) the form of contract or agreement to be entered into by the Authority ;

(*d*) the appointment of persons for enforcement of processes for recovery of dues

(*e*) the procedure to be followed for the carrying out of the functions of the Authority under Chapters II and III ;

(*f*) for regulating the grant of leave, leave allowances, pensions and gratuities and other matters relating to conditions of service of the officers and servants of the Authority not being officers in Government service lent to the Authority ;

(*g*) any other matter which is to be be prescribed by regulations under the Ordinance ;

(2, The Government may, by notification rescind any regulation made under this section and thereupon, the said regulation shall cease to have effect.

(3) All regulations made under this section shall be published in the official Gazette.

71 Power to make bye-laws.— (1) The authority may, with the previous approval of the Government make bye-laws not inconsistent with the rules or the regulations made under this Ordinance, in respect of the following matters, namely :-

(*a*) the management, use and regulation of houses constructed under any scheme ;

(*b*) regulating the construction and reconstruction of building in regard to such matters as the following namely, the notice to be given previous to erection, the plans to be submitted the line of frontage with neighbouring buildings, the free space to be left about the buildings, the level and width of foundation, the stability of structure, the materials to be used and the provision to be made for the drainage and ventilation ; and

(*c*) the forming of extensions or lay-outs and the laying out of private streets, for determining the information and plans to be submitted with applications for permision to form extensions or lay outs and to make privates streets ; and for regulating the leveland width of streets and the height of buildings abutting thereon.

(2) The Government may, by notification, rescind any bye-law made under this section and thereupon, the said bye-law shall cease to have effect.

(3) All bye-laws made under this section shall be published in the official Gazette and also in at least two newspapers in English and Kannada having large circulation in the City of Bangalore.

72. Penalty for breach of the provisions of the Ordinance.—Whoever contravenes any of the provisions of this Ordinance or of any rule, regulation, or bye-law or scheme made or sanctioned thereunder shall, be punished with fine which may extend to twenty-five rupees and in the case of a continuing contravention, with fine which may extend to five rupees for each day after the first during which the contravention continues.

73. Ordinance to over-ride other laws.—The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

74. Removal of difficulties.—Notwithstanding any thing contained in this Ordinance if any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order, published in the official Gazette, as the occasion may require do anything not inconsistent with the provisions of this Ordinance which appears to it to be necessary for removing the difficulty.

75. Dissolution of the Authority.—(1) The Government may, by notification, declare that with effect from such date as may be specified in the notification, the Authority shall be dissolved:

Provided that no such declaration shall be made by the Government unless a resolution to that effect has been moved in and passed by both Houses of the State Legislature.

(2) With effect from the date specified in the notification under sub-section (1),—

(*a*) all properties, funds, and dues which are vested in and realisable by the Authority shall vest in and be realisable by the Government;

(*b*) all liabilities enforceable against the Authority shall be enforceable against the Government to the extent of the properties, funds and dues vested in and realised by the Government.

(3) Nothing in this section shall affect the liability of the Government in respect of loans or debentures guaranteed under sub-section (5) of section 39.

76. Repeal and savings.—(1) On the issue of the notification under sub-section (1) of section 3 constituting the Bangalore Development Authority, the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945) shall stand repealed.

(2) On such repeal the Board constituted under the said Act shall stand dissolved and all the members thereof including the Chairman shall cease to hold office.

(3) Subject to the provisions of sub-section (2), nothing in sub-section (1) shall affect,—

(*a*) the previous operation of the said Act, or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or

(*d*) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, punishment may be imposed as if this Ordinance had not been promulgated:

Provided that all the assets and liabilities of, and all contracts made by or on behalf the Board of trustees for the improvement of the City of Bangalore before the date of commencement of this Ordinance and

subsisting on that day shall subject to such conditions as may be specified by the State Government, devolve on the Authority:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment, notification, rule, regulation, order, scheme or bye-law made or issued, any permission granted) under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Ordinance and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Ordinance:

Provided also that any reference in any enactment or in any instrument to any provision of the repealed Act shall unless a different intention appears be construed as a reference to the corresponding provision of this Ordinance.

(4) Notwithstanding the provisions of sub-section (1),—

(*a*) every officer and other employee serving under the Board constituted under the City of Bangalore Improvement Act, 1945 immediately before the date of commencement of this Ordinance shall, on and from such date, be transferred to and become an officer or other employee of the Authority and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Act had not been repealed and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority :

Provided that any service rendered by any such officer or other employee before the repeal of the City of Bangalore Improvement Act, 1945 shall be deemed to be service rendered under the Authority:

Provided further that the Authority may employ any such officer or other employee for the discharge of such functions under this Ordinance as it may think proper and

every such officer or other employee shall discharge those functions accordingly ;

(*b*) the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 and the City of Bangalore Improvement Disposal of Corner Sites and Commercial Sites) Rules, 1972 relating to allotment of sites shall be continued to be in force unless and until superseded by or under the provisions of this Ordinance as if the provisions of the said rules had not been repealed, but references to the Board shall be construed as references to the Authority.

MOHANLAL SUKHADIA,
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and Ex-Officio *Joint Secretary to Government, Department of Law and Parliamentary Affairs.*

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